

Serial No. 09/378,586

Attorney Docket No. PF01800NA

### REMARKS

Claims 1 through 22 are pending in this application. Claims 2, 12, 18, and 22 are hereby canceled without prejudice or disclaimer, and claims 1, 11, 19, and 20 are hereby amended.

Claims 19 through 21 are objected to as being dependent upon a rejected base claim, i.e., claim 18. The above Office Action indicates that claims 19 through 21 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 19 and 20 are hereby amended accordingly, and claim 21 depends from amended claim 20. Reconsideration and withdrawal of the objection to claims 19 through 21 are respectfully requested.

Claims 1, 3, 4, 6 through 8, 10, 11, 13, 14, 16, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,091, 713 to Horne, et al. ("Horne, et al. patent") in view of U.S. Patent No. 6,418,416 to Rosenberg, et al. ("Rosenberg, et al. patent"). Also, claims 5, 9, and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Horne, et al. patent in view of the Rosenberg, et al. patent and U.S. Patent No. 5,525,967 to Azizi, et al. ("Azizi, et al. patent").

Claim 1 is hereby amended to include the limitations of claim 2, now canceled, and claim 11 is hereby amended to include the limitations of claim 12, now canceled. In particular, claim 1 as amended provides "conveying by the first vending machine said location to a customer in response to a selection of the desired product by the customer" and, similarly, claim 11 as amended provides a processing system that is programmed to "cooperate with the customer

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interface to convey said location to a customer in response to a selection of the desired product by the customer through the customer interface".

In contrast, the Horne, et al. patent, the Rosenberg, et al. patent, and the Azizi, et al. patent do not describe or suggested conveying a location of a nearby alternate vending machine for a desired product to a customer in response to a selection of the desired product by the customer, as required by amended claims 1 and 11. The Horne, et al. patent describes a vending machine that dispenses a product in response to a product selection by a customer, but the vending machine does not convey location information in response to a product selection by a customer. Similarly, the Rosenberg, et al. patent describes cabinets that dispense products in response to product selections by customers, but the cabinets do not convey location information in response to product selections by customers. Likewise, the Azizi, et al. patent does not describe or suggest any type of action in response to a product selection by a customer.

Amended claims 1 and 11 distinguish from the Rosenberg, et al. patent for several other reasons. The Rosenberg, et al. patent, at col. 5, line 40, through col. 6, line 2, describes a system and method in which access to relevant information is restricted to authorized users. The authorized users of the Rosenberg, et al. patent are quite different from the customers of amended claims 1 and 11. Also, the system and method of the Rosenberg, et al. patent allows users to be added using a special procedure where users must first log in (col. 6, line 36; col. 6, line 57; and FIG. 7). Accordingly, information is not conveyed in response to a product selection, as required by amended claims 1 and 11. Further, the system and method of the Rosenberg, et al. patent requires a user to specify a partial name or description (col. 6, line 47) to a browser in order to

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search for articles. Again, information is not conveyed in response to a product selection, as required by amended claims 1 and 11. Still further, the system and method of the Rosenberg, et al. patent, in response to an inquiry, returns a list of cabinets that contain the article, so the user is required to manually investigate the list to identify and locate a nearby cabinet having the desired product. Thus, the system and method of the Rosenberg, et al. patent does not identify the nearby alternate vending machine for the desired product, as required by amended claims 1 and 11.

As explained above, the Horne, et al. patent, the Rosenberg, et al. patent, and the Azizi, et al. patent do not describe or suggested, individually or in combination, conveying a location of a nearby alternate vending machine for a desired product to a customer in response to a selection of the desired product by the customer, as required by amended claims 1 and 11. Therefore, amended claims 1 and 11 distinguish patentably from the Horne, et al. patent, the Rosenberg, et al. patent, the Azizi, et al. patent, and any combination of these patents.

Claims 3 through 10 and claims 13 through 17 depend from and include all of the limitations of independent claims 1 and 10 as amended. Therefore, claims 3 through 10 and claims 13 through 17 distinguish patentably from the Horne, et al. patent, the Rosenberg, et al. patent, the Azizi, et al. patent, and any combination of these patents for the reasons stated above for amended claims 1 and 10.

In view of the above, reconsideration and withdrawal of the rejections of claims 1, 3 through 11, and 13 through 17 are respectfully requested.

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### CONCLUSION


No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The first page of the attached page(s) is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE".

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. A Notice of Allowance is respectfully solicited. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Claims 2, 12, 18, and 22 are canceled, and claims 1, 11, 19, and 20 are amended as follows:

1. (Amended) A method in a first vending machine of a plurality of vending machines for locating a nearby alternate vending machine having a desired product, the method comprising the steps of:

making available to the first vending machine information from nearby ones of the plurality of vending machines for coordinating product availability and vending machine location;

determining, by the first vending machine, that the desired product is no longer available at the first vending machine;

obtaining thereafter, by the first vending machine, the information comprising a location of the nearby alternate vending machine for the desired product; and

conveying by the first vending machine said location to a customer in response to a selection of the desired product by the customer.

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11. (Amended) An apparatus in a first vending machine having an inventory sensor and a customer interface, the apparatus for locating a nearby alternate vending machine having a desired product, the apparatus comprising:

a transceiver for providing communications; and

a processing system coupled to the transceiver for controlling the transceiver and processing the communications, the processing system further coupled to the inventory sensor and the customer interface,

wherein the processing system is programmed to:

cooperate with the inventory sensor to determine that the desired product is no longer available at the first vending machine;

cooperate with the transceiver to obtain information made available to the first vending machine from a plurality of vending machines for coordinating product availability and vending machine location, the information comprising a location of the nearby alternate vending machine for the desired product; and

cooperate with the customer interface to convey said location to a customer in response to a selection of the desired product by the customer through the customer interface.

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19. (Amended) [The server of claim 18,] A server for determining a location of an alternate vending machine near a first vending machine, the alternate vending machine having a desired product that is unavailable at the first vending machine, the server comprising:

a processing system; and

a transceiver coupled to the processing system for communicating with a plurality of vending machines,

wherein the processing system is [further] programmed to:

cooperate with the transceiver to receive from the first vending machine a first query regarding the desired product;

determine a candidate alternate vending machine near the first vending machine;

transmit a second query regarding the desired product to the candidate alternate vending machine;

receive a response from the candidate alternate vending machine indicating that the desired product is available, thereby defining the candidate alternate vending machine as the alternate vending machine for the desired product;

return to the first vending machine said location of the alternate vending machine;

record, in a transactions list, an entry comprising identifiers of the first vending machine, the alternate vending machine, and the desired product;

receive a report from one of the plurality of vending machines indicating that a product is no longer available;

compare an identifier of the one of the plurality of vending machines and the product with the transactions list to determine whether the one of the plurality of vending

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machines is serving as the alternate vending machine for the product; and

find for the first vending machine another alternate vending machine for the product, when the one of the plurality of vending machines is serving as the alternate vending machine for the product.



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20. (Amended) [The server of claim 18.] A server for determining a location of an alternate vending machine near a first vending machine, the alternate vending machine having a desired product that is unavailable at the first vending machine, the server comprising:

a processing system; and

a transceiver coupled to the processing system for communicating with a plurality of vending machines,

wherein the processing system is [further] programmed to:

cooperate with the transceiver to receive from the first vending machine a first query regarding the desired product;

determine a candidate alternate vending machine near the first vending machine;

transmit a second query regarding the desired product to the candidate alternate vending machine;

receive a response from the candidate alternate vending machine indicating that the desired product is available, thereby defining the candidate alternate vending machine as the alternate vending machine for the desired product;

return to the first vending machine said location of the alternate vending machine;

record, in a transactions list, an entry comprising identifiers of the first vending machine, the alternate vending machine, and the desired product;

receive a report from one of the plurality of vending machines indicating that a product has become available;

compare an identifier of the one of the plurality of vending machines and the product with the transactions list to determine whether the one of the plurality of vending

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machines is the first vending machine and the product is the desired product; and

clear the entry in the transactions list, when the one of the plurality of vending

machines is the first vending machine and the product is the desired product.